

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	<b>:</b>	<b>CRIMINAL NO. <u>08-383</u></b>
<b>v.</b>	<b>:</b>	<b>DATE FILED: <u>7/1/08</u></b>
<b>RICHARD MADEN</b>	<b>:</b>	<b>VIOLATIONS:</b>
	<b>:</b>	<b>18 U.S.C. § 371 (conspiracy - 1 count)</b>
	<b>:</b>	<b>18 U.S.C. § 1344 (bank fraud - 1 count)</b>
	<b>:</b>	<b>18 U.S.C. § 1028A (aggravated identity</b>
	<b>:</b>	<b>theft - 5 counts)</b>
	<b>:</b>	<b>18 U.S.C. § 2 (aiding and abetting)</b>
	<b>:</b>	<b>Notice of forfeiture</b>

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**INDICTMENT**

**COUNT ONE**

**THE GRAND JURY CHARGES THAT:**

At all times material to this indictment:

1. Citizens Bank was a financial institution, the deposits of which were insured by the Federal Deposit Insurance Corporation.

2. From on or about April 9, 2007 through on or about February 1, 2008, in Philadelphia, in the Eastern District of Pennsylvania and elsewhere, defendant

**RICHARD MADEN**

conspired and agreed, with others known and unknown to the grand jury, to commit offenses against the United States, that is, to knowingly execute, and attempt to execute, and aid and abet the execution of, a bank fraud, in violation of Title 18, United States Code, Section 1344, and to knowingly and without lawful authority use a means of identification of another person during and in relation to a bank fraud, in violation of Title 18, United States Code, Section 1028A(a)(1).

## **MANNER AND MEANS**

3. It was part of the conspiracy that defendant RICHARD MADEN and others known and unknown to the grand jury used the names, dates of births, addresses, social security numbers, bank account numbers and other means of identification of customers of Citizens Bank to enrich themselves and defraud the banks by posing as customers of the banks at the teller windows and cashing fraudulent checks and counterfeit checks made payable to the banks' customers or withdrawing funds from the customers' accounts.

It was further a part of the conspiracy that:

4. Defendant RICHARD MADEN acted as a "check runner," posing as various bank customers and cashing fraudulent checks made payable to those customers. In that capacity, defendant MADEN performed some or all of the following:

a. he received, from Co-Conspirator 1, a person known to the grand jury, "cheat-sheets" on which was printed the bank customer's name, date of birth, social security number, and bank account number;

b. he received, from Co-Conspirator 1 and Co-Conspirator 2, a person known to the grand jury, the bank customers' account information and false photographic identification in the name of the customers;

c. he received, from Co-Conspirator 1 and Co-Conspirator 2, fraudulent checks and was instructed by Co-Conspirator 1 to cash those checks at the banks;

d. he was provided, by Co-Conspirator 1 and Co-Conspirator 2, transportation from Philadelphia, Pennsylvania to various bank branches to cash the fraudulent checks, and he accompanied Co-Conspirator 3, a person known to the grand jury, in a car from

Philadelphia, Pennsylvania to Kingston, New York, when he and Co-Conspirator 3 conducted fraudulent transactions at Citizens Bank branches in Kingston, New York.

e. he gave the proceeds received from cashing each fraudulent check to Co-Conspirator 1 and Co-Conspirator 2; and

f. he was paid for his services by Co-Conspirator 1 and Co-Conspirator 2 at the end of each day that he cashed fraudulent checks.

5. In this manner, defendant RICHARD MADEN fraudulently obtained, and aided and abetted the obtaining of, over \$90,000 from the cashing of fraudulent checks.

### **OVERT ACTS**

In furtherance of the conspiracy, defendant RICHARD MADEN and others known and unknown to the grand jury, committed the following overt acts in the Eastern District of Pennsylvania and elsewhere:

1. Between on or about April 9, 2007 and on or about February 1, 2008, defendant RICHARD MADEN was provided, by Co-Conspirator 1 and Co-Conspirator 2, with fraudulent identification for and personal information of Citizen Bank customers, W.G., T.D., S.M., G.G., and W.D., and fraudulent checks made payable to those Citizens Bank customers.

2. Between on or about April 9, 2007 and on or about February 1, 2008, at the direction of Co-Conspirator 1 and Co-Conspirator 2, defendant RICHARD MADEN presented fraudulent endorsed checks payable to W.G., T.D., S.M., G.G., and W.D. at Citizens Bank branches in Pennsylvania, New York, and Delaware. When cashing these checks, defendant MADEN falsely claimed to be Citizens Bank account holders W.G., T.D., S.M., G.G., and W.D. At the bank branches, Defendant MADEN presented the fraudulent identification and

personal and bank account information for W.G , T.D., S.M., G.G., and W.D. that he received from Co-Conspirator 1 and Co-Conspirator 2 when he asked the bank tellers to process his transactions.

3. By cashing the fraudulent checks in the names of W.G., T.D., S.M., G.G., and W.D., defendant RICHARD MADEN stole and attempted to steal approximately \$97,374 from Citizens Bank.

All in violation of Title 18, United States Code, Section 371.

## **COUNT TWO**

### **THE GRAND JURY FURTHER CHARGES THAT:**

1. Paragraphs 1 and 3 through 5 and Overt Acts 1 through 3 of Count One are realleged here.

2. Between on or about April 9, 2007 and on or about February 1, 2008, in the Eastern District of Pennsylvania and elsewhere, defendant

### **RICHARD MADEN**

knowingly executed, and aided and abetted the execution of, a scheme to defraud Citizens Bank, and to obtain monies owned by and under the care, custody, and control of that bank by means of false and fraudulent pretenses, representations, and promises.

### **THE SCHEME**

3. Defendant RICHARD MADEN used stolen account information and false identification documents to cash fraudulent checks and share the proceeds.

4. In furtherance of the scheme, defendant RICHARD MADEN cashed or attempted to cash, as noted below, the following fraudulent checks:

<b><u>DATE</u></b>	<b><u>LOCATION</u></b>	<b><u>VICTIM ACCOUNT HOLDER</u></b>	<b><u>AMOUNT</u></b>
04/09/07	Binghamton, NY	W.G.	\$4518
04/09/07	Binghamton, NY	W.G	\$1850
04/09/07	Binghamton, NY	W.G	\$4502
04/09/07	Binghamton, NY	W.G	\$3000
04/09/07	Endicott, NY	W.G	\$4521
04/09/07	Chenango Bridge, NY	W.G	\$4511

04/09/07	Chenango Bridge, NY	W.G	\$1850
04/09/07	Unadilla, NY	W.G	\$4517
04/10/07	Apalachin, NY	W.G	\$4521
04/10/07	Apalachin, NY	W.G	\$1850
04/10/07	Greene, NY	W.G	\$4523
04/10/07	Ithaca, NY	W.G	\$4529
04/10/07	Ithaca, NY	W.G	\$1850
04/11/07	Wilmington, DE	W.G	\$3500 attempt
04/10/07	Deruyter, NY	T.D.	\$4502
04/10/07	Dewitt, NY	T.D.	\$4514
04/10/07	Dewitt, NY	T.D.	\$1850
05/18/07	York, PA	S.M.	\$4009
05/18/07	York, PA	S.M.	\$1700
05/18/07	York, PA	S.M.	\$4013
05/18/07	York, PA	S.M.	\$1700
05/18/07	York, PA	S.M.	\$4013
05/18/07	York, PA	S.M.	\$1700
05/18/07	Dallastown, PA	S.M.	\$4008
01/10/08	York, PA	G.G.	\$4005 attempt
02/01/08	Crestwood, NY	W.D.	\$4012
02/01/08	Crestwood, NY	W.D.	\$1650
02/01/08	Kingston, NY	W.D.	\$4006
02/01/08	Kingston, NY	W.D.	\$1650

All in violation of Title 18, United States Code, Sections 1344 and 2.

**COUNT THREE**

**THE GRAND JURY FURTHER CHARGES THAT:**

Between on or about April 9, 2007 and on or about April 11, 2007, in the Eastern District of Pennsylvania and elsewhere, defendant

**RICHARD MADEN**

knowingly and without lawful authority possessed and used, and aided and abetted the use of, a means of identification of another person, that is, the name of W.G., during and in relation to bank fraud.

In violation of Title 18, United States Code, Sections 1028A(a)(1), (c)(5) and 2.

**COUNT FOUR**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about April 10, 2007, in the Eastern District of Pennsylvania and elsewhere,  
defendant

**RICHARD MADEN**

knowingly and without lawful authority possessed and used, and aided and abetted the use of, a  
means of identification of another person, that is, the name of T.D., during and in relation to bank  
fraud.

In violation of Title 18, United States Code, Sections 1028A(a)(1), (c)(5) and 2.



**COUNT FIVE**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about May 18, 2007, in the Eastern District of Pennsylvania and elsewhere,  
defendant

**RICHARD MADEN**

knowingly and without lawful authority possessed and used, and aided and abetted the use of, a  
means of identification of another person, that is, the name of S.M., during and in relation to  
bank fraud.

In violation of Title 18, United States Code, Sections 1028A(a)(1), (c)(5) and 2.

**COUNT SIX**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about January 10, 2008, in the Eastern District of Pennsylvania and elsewhere, defendant

**RICHARD MADEN**

knowingly and without lawful authority possessed and used, and aided and abetted the use of, a means of identification of another person, that is, the name of G.G., during and in relation to bank fraud.

In violation of Title 18, United States Code, Sections 1028A(a)(1), (c)(5) and 2.

**COUNT SEVEN**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about February 1, 2008, in the Eastern District of Pennsylvania and elsewhere, defendant

**RICHARD MADEN**

knowingly and without lawful authority possessed and used, and aided and abetted the use of, a means of identification of another person, that is, the name of W.D., during and in relation to bank fraud.

In violation of Title 18, United States Code, Sections 1028A(a)(1), (c)(5) and 2.

## **NOTICE OF FORFEITURE**

### **THE GRAND JURY FURTHER CHARGES THAT:**

1. As a result of the violations of Title 18, United States Code, Sections 371, 1344 and 1028A, set forth in this indictment, defendant

#### **RICHARD MADEN**

shall forfeit to the United States of America any property that constitutes, or is derived from proceeds obtained directly or indirectly from the commission of such offenses, including, but not limited to, the sum of \$85,861.

2. If any of the property subject to forfeiture, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982(b), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the property subject to forfeiture.

All pursuant to Title 18, United States Code, Section 982(a)(2).

**A TRUE BILL:**

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**GRAND JURY FOREPERSON**

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**PATRICK L. MEEHAN  
UNITED STATES ATTORNEY**